
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

The United States of America,

Plaintiff,

versus

Juan Moreno,

Defendant.

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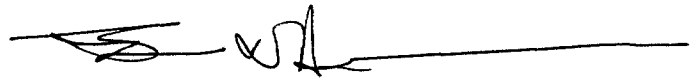
Criminal H-93-172-2

Opinion on Mailing

The Court of Appeals asked this Court to determine when Juan Moreno put his notice of appeal in the prison mail system. The envelope with the notice of appeal was postmarked the afternoon of October 22, 2009, at Memphis, Tennessee. The prison where Moreno is held is in Forrest City, Arkansas, approximately 46 miles from Memphis. To have reached Memphis the afternoon of October 22, 2009, the notice of appeal must have been placed in the prison mail at least the day before the postmark.

This court concludes that Moreno deposited his notice of appeal in the prison's internal mail system on October 21, 2009, at the latest.

Signed on May 6, 2010, at Houston, Texas.



Lynn N. Hughes
United States District Judge